



3 1761 06093748 9

An Intellectual History of Modern Legal Thought

BORA LASKIN LAW LIBRARY

AUG 17 2004

FACULTY OF LAW
UNIVERSITY OF TORONTO

An Intellectual History of Modern Legal Thought

Assaf Likhovski (likhovsk@post.tau.ac.il)

Syllabus

1. Introduction: Legal History as Intellectual History

Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1970), 1-9.

William W. Fisher III, "Texts and Contexts: The Application to American Legal History of the Methodologies of Intellectual History," 49 *Stanford Law Review* (1996), 1065-1072.

2. Enlightenment and 18th Century Codification

Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage Books, 1990), xv-xxiv, 125-138.

Blackstone's Commentaries - Table of Contents (in Duncan Kennedy, "The Structure of Blackstone's Commentaries," 28 *Buffalo Law Review* (1978), 224).

Michael Lobban, *The Common Law and English Jurisprudence, 1760-1850*, (Oxford: Clarendon Press, 1991), 155-169.

3. Romanticism and the Historical School of Law

Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage Books, 1990), 217-221.

F. K. von Savigny, *Of the Vocation of our Age for Legislation and Jurisprudence*, (Abraham Hayward trans., London: Littlewood, 1842), 17-42.

4. Mid 19th Century Evolutionary Approaches

Karl Marx, "Preface to *A Contribution to the Critique of Political Economy*," in *Marx, Engels: Selected Works* (London: Lawrence, 1991), 172-76.

Karl Marx, "Manifesto of the Communist Party," in *Marx, Engels: Selected Works* (London: Lawrence, 1991), 35-45.

Henry Maine, *Ancient Law* (New ed., London: John Murray, 1930). 1-18, 180-182.

5. Late 19th Century Legal Science

David Sugarman, "Legal Theory, the Common Law Mind and the Making of the Textbook Tradition," in W. Twining ed., *Legal Theory and Common Law* (Oxford: Blackwell, 1986), 26-36, 44-54.

W. R. Anson, *Principles of the English Law of Contract*, (16th ed., Oxford: Clarendon, 1923), x-xi, 18-22.

Thomas C. Grey, "Langdell's Orthodoxy," 45 *University of Pittsburgh Law Review* (1983), 16-24, 28-39.

6. Fin de Siècle Legal Thought

Carl E. Schorske, "Gustav Klimt: Painting and the Crisis of the Liberal Ego," in *Fin de Siècle Vienna: Politics and Culture* (New York: Vintage, 1981), 225-254.

Oliver Wendell Holmes, *The Common Law*, in *American Legal Realism* (M. Horwitz et al eds., New York: Oxford University Press, 1993), 9.

Oliver Wendell Holmes, *The Path of the Law*, in *American Legal Realism*, (M. Horwitz et al eds., New York: Oxford University Press, 1993), 15-24.

Roscoe Pound, "Law in Books and Law in Action," in *American Legal Realism*, (M. Horwitz et al eds., New York: Oxford University Press, 1993), 39-44.

7. Early 20th Century Modernism: Free Law and Legal Realism

James E. Herget & Stephen Wallace, "The German Free Law Movement as the Source of American Legal Realism" 73 *Virginia Law Review* (1987), 399-419.

Edward A. Purcell, *The Crisis of Democratic Theory* (Lexington: University Press of Kentucky, 1973), 74-94.

Jerome Frank, "Courts on Trial," in *Lloyd's Introduction to Jurisprudence* (M. Freeman ed., London: Sweet & Maxwell, 1994), 683-4.

Fred Rodell, "Goodbye to Law Reviews," in , in M. Horwitz et al eds., *American Legal Realism* (New York: Oxford University Press, 1993), 290.

8. Toward A Global History of Jurisprudence and Legal Thought?

Duncan Kennedy, "Two Globalizations of Law and Legal Thought: 1850-1968," 36 *Suffolk University Law Review* (2003), . 631-79.